

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

NIEM H. DOAN,

Defendant.

CASE NO. CR15-120-JCC

DETENTION ORDER

Offense charged: Conspiracy to Distribute Controlled Substances; Forfeiture Allegations

Date of Detention Hearing: April 24, 2015.

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

1. Defendant has been charged with a drug offense, the maximum penalty of which is in excess of ten years. There is therefore a rebuttable presumption against defendant as to both dangerousness and flight risk, under 18 U.S.C. § 3142(e).

1 2. Defendant is alleged to be a participant in the drug trafficking organization setting
2 up large deliveries to the organization, the activities of which form the basis for the Indictment.
3 The government contends that his auto body and repair business was used by the defendant to
4 facilitate the activities. His past criminal record includes a number of failures to appear and
5 bench warrant activity.

6 3. Defendant is a native of Vietnam, with permanent resident status in the United
7 States. He alleges that his passport has been lost. He has pending immigration proceedings, and
8 an immigration detainer has been filed. Although defendant is prohibited from possessing
9 firearms by virtue of his status as a convicted felon and an alien, a search of defendant's
10 residence is alleged to have resulted in the seizure of firearms, which may result in the filing of
11 additional charges according to the AUSA.

12 4. Taken as a whole, the record does not effectively rebut the presumption that no
13 condition or combination of conditions will reasonably assure the appearance of the defendant as
14 required and the safety of the community.

15 It is therefore ORDERED:

- 16 1. Defendant shall be detained pending trial and committed to the custody of the Attorney
17 General for confinement in a correction facility separate, to the extent practicable, from
18 persons awaiting or serving sentences or being held in custody pending appeal;
- 19 2. Defendant shall be afforded reasonable opportunity for private consultation with counsel;
- 20 3. On order of the United States or on request of an attorney for the Government, the person
21 in charge of the corrections facility in which defendant is confined shall deliver the
22 defendant to a United States Marshal for the purpose of an appearance in connection with
23 a court proceeding; and

- 1 4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel for
2 the defendant, to the United States Marshal, and to the United State Pretrial Services
3 Officer.

4 DATED this 24th day of April, 2015.

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6 Mary Alice Theiler
7 United States Magistrate Judge
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